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DOC #:  
DATE FILED: AUG 27 2007

**STIPULATION OF DISMISSAL  
WITH PREJUDICE - NEW YORK ACTION**

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

----- X  
NETRATINGS, INC.,

Plaintiff,

vs.

WEBSIDESTORY, INC.,

Defendant.  
----- X

Civil Action No. 06-cv-878 (LTS) (AJP)

**STIPULATION AND ORDER OF  
DISMISSAL WITH PREJUDICE**

Plaintiff NetRatings, Inc. ("NetRatings"), by its counsel Dreier LLP, and Defendant WebSideStory, Inc. ("WebSideStory"), by its counsel Latham & Watkins LLP, hereby stipulate that they have reached a confidential settlement of the dispute that is the subject matter of the above-referenced action (the "Action"). Based upon such settlement, and upon the consent and approval of NetRatings and WebSideStory as indicated herein, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. The Action, including, without limitation, all claims and counterclaims asserted in the Action, is hereby dismissed with prejudice as to all parties pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure.
2. Each party shall bear its own costs and attorneys fees.

## AGREED TO AND ACCEPTED:

Date: August 20, 2007

Counsel for NetRatings, Inc.

DREIER LLP

By: 

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Date: August 21, 2007

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## SO ORDERED:

Date: 8/24/2007

HON. LAURA TAYLOR SWAIN  
UNITED STATES DISTRICT JUDGE